

# EXHIBIT F

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF CONNECTICUT**

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STACY COLLINS, TIANGE LUSENI, and  
LISA PETERSON, individually and on  
behalf of other similarly situated individuals,

Plaintiffs,

v.

KOHL'S DEPARTMENT STORES, INC. and  
KOHL'S CORPORATION,

Defendants

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CASE NO: 3:18-cv-00065

**DECLARATION OF TIANGE LUSENI**

1. I, Tiange Luseni, am over 18 years of age and believe in the obligations of an oath.
2. I reside in Brooklyn, New York.
3. I worked as an Assistant Store Manager for Kohl's Department Store from April 2010 until February 2017.
4. From April 2010 to March 2013, I worked at the Kohl's store in Elmhurst, New York, as a Children / Footwear / Home Assistant Store Manager ("ASM CFH").
5. Kohl's then transferred me to its Green Acres, Long Island, New York store. I worked there from July 2013 until approximately February 2017. I was initially an ASM CFH and then I was reassigned to be an Operations / Children / Footwear / Home ASM ("Operations ASM").

6. When I first started with the company, Kohl's put me through a management training program in its Staten Island, New York location. This process lasted approximately six to eight weeks.
7. I understand from speaking to managers at the training store that that most newly hired ASMs in the district (District 56) were sent to the Staten Island Kohl's for training.
8. I was trained in Kohl's Best Practices and was given a binder of written materials that Kohl's uses to train its assistant managers around the country. We also did computer based training.
9. The two ASM positions I held were similar. As a CFH ASM, I was assigned to certain departments, where as an Operations ASM, I worked more in the back room and did not have assign merchandise departments but the work we did was still in the nature of moving the merchandise from the trucks to the floor.
10. In both roles, I had management duties, but they were relatively minor and occupied less than half of my day.
11. Kohl's trained all Assistant Store Managers in the same manner and using the same training materials including Best Practices. Kohl's issues one "associate handbook" which applies to all employees.
12. Kohl's sends us as ASMs to district meetings from time to time. I attended a few of these meetings and met other ASMs from other stores. In speaking to them, I learned that we all had similar jobs and also that we were all spending most of our time on hourly work. Their stores, like mine, did whatever necessary to keep hourly payroll dollars down and so the task of performing the manual labor in the store fell on us.
13. Kohl's also has a uniform bonus program for Assistant Store Managers.

14. Kohl's has "Best Practices" which are practices that they want all store employees to follow. We can be disciplined or counseled if we don't follow Kohl's "best practices."
15. We were all schedule to work five days per week and a minimum of 9 hour days (or 45 hours per week) but frequently worked 50-60 hours per week. During the period from mid-November to the end of December we worked six days per week.
16. We were paid a flat salary and did not receive overtime pay for hours over 40 in a week.
17. During my seven years at Kohl's, I worked with approximately 7-8 other Assistant Store Managers and had an opportunity to observe the duties they performed. We all had similar job duties, no matter what department we were in.
18. Kohl's assigned both management and non-management work to its Assistant Store Managers, no matter what department they were in. The non-management work that was assigned to us included:
  - a. Unpacking merchandise,
  - b. Sorting merchandise,
  - c. Back stocking merchandise,
  - d. Organizing the backroom,
  - e. Filling on-line orders,
  - f. Stocking shelves or merchandising,
  - g. Customer Service,
  - h. Operating cash registers,
  - i. Counting inventory,
  - j. Organizing the store,
  - k. Recovery,

- l. Setting floor plans,
- m. Gather and clean shopping carts,
- n. Filling in and adjusting fixtures
- o. Processing mark downs
- p. Processing call backs, damaged and defective merchandise
- q. Processing shoe mis-matches

19. The management work that was assigned to us included:

- a. Directing the work of hourly workers.
- b. Responding to questions from hourly workers.
- c. Issuing discipline to hourly workers for things such as tardiness, or performance issues.
- d. Assisting the Store Manager with performance evaluations of hourly workers once per year.
- e. Opening the store and closing the store.
- f. Participating in hiring interviews and firing interviews.

20. The non-management work that Kohl's assigned to us took the majority of our time.

21. The management work that we performed took less than half our time and was not as important to the success of our store as our non-management work.

22. Kohl's set payroll budgets for each store each week and each month. Kohl's tracked each store's payroll each week and each month to determine if that store was keeping its payroll under the budget it set. Each store had to use its ASMs to do hourly work in order to meet its payroll budget obligations.

23. Kohl's had a practice in the three stores that I worked in to keep its hourly payroll expenses down. It did this in part by sending hourly associates home before the end of their shift and not replacing them when they called out. Kohl's then required the ASMs to finish the hourly tasks of the hourly associates who had been scheduled but were sent home early or not replaced.
24. On one occasion, when I worked in the Green Acres location, I participated in a Monday morning call with the Store Managers from other stores across the district (District 56) and the District Manager. The District Manager on that call said that "we need to make payroll, I don't care if every ASM needs to ring a register, we will not miss the month." This was repeatedly communicated to us during the months when certain stores were projected to exceed payroll budget.
25. I believe this was a regular practice of the store. ASMs were regularly required to work as cashiers to keep payroll down.
26. This resulted in ASMs spending more than 50 percent of their time on hourly labor and non-management work and less than 50 percent of their time actually involved in management functions.
27. Our Store Managers emphasized the importance of getting the merchandise off the trucks, out of the back room and onto the floor over the few management tasks that we performed.
28. The work we performed as Assistant Store Managers was closely and directly monitored by our superiors. Our Store Manager worked every week in our stores and inspected and monitored the work we did. Also, there were periodic inspections and audits of our stores by corporate personnel. These inspections and audits were used to evaluate our

performance each year and determine if we were terminated, retained, promoted or given raises.

29. Kohl's also has uniform planning procedures, including a "KPlanner." A KPlanner is used by all Assistant Store Managers in all of Kohl's stores. It is a calendar which Kohl's requires us to use on the computer to organize and plan our tasks every day. Kohl's corporate office put the tasks on the list for us required us to check off the tasks as we did them and this enable our Store Manager and other Managers to check up on us and whether we were completing the required tasks.
30. Kohl's also sent out Communications Books to every store every month which laid out in detail how they wanted each department merchandised.
31. The hourly workers in my stores made almost as much money as I did when their hourly wage was compared to my salary for similar hours.

I declare under penalty of perjury that the foregoing is true and correct.

 May 17, 2018

Tiange Luseni

May 17, 2018

Date